REMARKS

This Amendment is responsive to the Office Action dated February 19, 2010. Applicant has amended claims 1, 42, 44, and 47. No claims have been added or cancelled. Claims 1-6 and 42-59 are pending.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 3-6, 46, 47 and 49-59 are allowable in their present form. Applicant respectfully thanks the Examiner for indicating that claims 3-6, 46, 47 and 49-59 are in condition for allowance.

Claim Rejection Under 35 U.S.C. § 102

Plicchi

In the Office Action, the Examiner rejected claims 1, 2, 42, 44, 45 and 48 under 35 U.S.C. 102(b) as being anticipated by Plicchi et al. (U.S. Patent No. 5,609,612; hereinafter "Plicchi"). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Plicchi fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

Claim 1, as amended, requires an implantable medical device (IMD) in wireless communication with the drug delivery device, the IMD having means for receiving, from the drug delivery device, a communication indicating administration of a drug by the drug delivery device in compliance with a prescriptive regimen.

Plicchi does not disclose or even suggest an implantable medical device (IMD) that includes means for receiving, from the drug delivery device, a communication indicating administration of a drug by the drug delivery device. Plicchi is directed to the transcutaneous telemetric transmission of detected indications of patient conditions (e.g., an accelerometric signal together with an endocardial ECG) to an external recording monitor. Plicchi at column 3, lines 43-67. Plicchi merely discloses monitoring a patient's physiological state, e.g., as indicated by an accelerometer and/or electrocardiogram (ECG), in relation to the function of a patient's heart. Plicchi makes no mention whatsoever of any IMD configured to receive a communication from a drug delivery device indicating administration of a drug by the drug delivery device. As

such, Plicchi does not disclose or suggest an IMD having means for receiving, from the drug delivery device, a communication indicating administration of a drug by the drug delivery device in compliance with a prescriptive regimen, as required by amended claim 1.

Because Plicchi does not disclose all elements of Applicant's independent claim 1, as amended, Applicant respectfully submits that claim 1 is in condition for allowance. Claims 2 and 42-45 each incorporate all elements of claim 1, and are therefore also in condition for allowance. Reconsideration and withdrawal of the rejection of claims 1, 2, and 42-45 as anticipated by the Plicchi reference is respectfully requested.

Steil

In the Office Action, the Examiner rejected claims 1, 2 and 42-45 under 35 U.S.C. 102(e) as being anticipated by Steil et al. (U.S. Patent Publication No. 2003/0130616; hereinafter "Steil"). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Steil fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

Again, claim 1, as amended, requires an implantable medical device (IMD) in wireless communication with a drug delivery device, the IMD having means for receiving, from the drug delivery device to a communication indicating administration of a drug by the drug delivery device in compliance with a prescriptive regimen.

Like the Plicchi reference discussed above, Steil merely discloses monitoring of physiological conditions of a patient. For example, Steil describes a sensor system that for monitoring levels of glucose concentration of a patient in response to delivery of insulin provided by an infusion pump. Steil at Abstract, paragraphs [0005], [0006]. As such, Steil does not disclose or even suggest an IMD having means IMD having means for receiving, from a drug delivery device, a communication indicating administration of a drug by the drug delivery device in compliance with a prescriptive regimen, as required by amended claim 1. Steil makes no mention of an IMD that receives any communication from a drug delivery device. Moreover, Steil clearly fails to suggest an IMD that includes means for receiving, from a drug delivery device, a communication indicating administration of a drug by the drug delivery device. Rather, as mentioned above, Steil focuses on the sensing of glucose concentration in a patient.

Because Steil does not disclose all elements of Applicant's independent claim 1, as amended, Applicant respectfully submits that claim 1 is in condition for allowance. Claims 2 and 42-45 each incorporate all elements of claim 1, and are therefore also in condition for allowance. Reconsideration and withdrawal of the rejection of claims 1, 2, and 42-45 as anticipated by the Steil reference is respectfully requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: 6/16/2010

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